

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

October 12, 2007

**FILED**

OCT 31 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

AARON HEFFLIN,

Plaintiff - Appellant,

v.

G. H. WISE, Lt.; et al.,

Defendants - Appellees.

No. 07-16763

D.C. No. CV-05-01269-JW

**REFERRAL NOTICE**

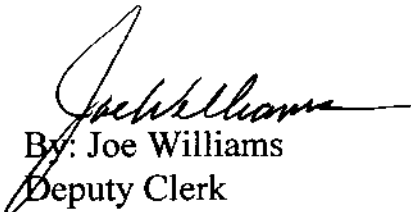
This matter is referred to the district court for the limited purpose of determining whether this appeal has been taken in good faith or is frivolous. *See* 28 USC Sec. 1915(a)(3).

If the district court is of the opinion that this appeal is frivolous or not taken in good faith, the district court is requested to complete the attached certification form and return it to this court within 21 days. If this court does not receive a completed certification form within 21 days, it will presume that the district court considers the appeal to have been taken in good faith.

This referral shall not affect the briefing schedule previously established by this court.

FOR THE COURT:

Cathy A. Catterson  
Clerk of Court

  
By: Joe Williams  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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**ORDER**

This appeal has been taken in good faith ☐

This appeal is not taken in good faith ☒

Explanation: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

  
Judge

United States District Court

Date: OCT 30 2007